IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

RP.No. 1131 of 2006(M)

AGAINST THE JUDGEMENT/ORDER IN WPC.19238/2006 Dated 17/08/2006
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PETITIONER/ NOT PARTY:

HASSAN HAJI M,
S/O.MOIDEENKUTTY,
AGED 40 YEARS,
MADARI HOUSE,
PUTHANANGADI,
VALIYORA,
MALAPPURAM.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS:

1. P.MOHAMMEDKUTTY, S/O.KUNHAMMED HAJI,
PALLIKKAL HOUSE,
VENGARA P.O.,
MALAPPURAM.

2. THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM.

3. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS
GOVERNMENT PLEADER

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

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R.P.No.1131 Of 2006

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Dated this the 15th day of December, 2006.

O R D E R

Sri.M.K.Chandra Mohandas takes notice for the 1st respondent. Learned Government Pleader takes notice for R2 and R3. According to the review petitioner, the 1st respondent obtained a timings order and challenged it before the STAT. That challenge was repelled. Instead of challenging that decision of the STAT, he filed a representation (Ext.P1 in the writ petition) and obtained the judgment sought to be reviewed directing disposal of Ext.P1. Learned counsel for the 1st respondent-writ petitioner states that Ext.P1 representation was not one merely for variation of timings, but for a direction in terms of the Bench decision of this Court interfering with circular No.3/97. Whatever that be, the review petitioner being a rival operator, is entitled to be heard while considering Ext.P1. It is stated that Annexure P3 placed along with review petition, has been filed before the competent authority.

Under such circumstances, review petition is disposed of directing that on the hearing pursuant to the judgment sought to be reviewed, the competent authority will offer an opportunity of being heard, to the review petitioner also.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

SJ